

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

AUG 22 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

IN RE COMPLAINT OF JUDICIAL MISCONDUCT
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No. 12-90124

ORDER

KOZINSKI, Chief Judge:

A pro se litigant alleges that a district judge made erroneous rulings in his civil case. These charges relate directly to the merits of the judge’s rulings and are therefore dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

Complainant further alleges the district judge was biased against him based on his race and his pro se status. He claims that the district judge stated during a hearing that the court tries to “get rid of Pro Se cases . . . fast.” A review of the hearing transcript shows that the judge explained to complainant that the court did not favor allowing cases to drag on when service was not properly made, and that there was a policy in favor of moving cases quickly and efficiently. The judge did not discern between pro se and other cases. Complainant’s remaining evidence of alleged bias consists of adverse rulings, which cannot alone prove bias. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). Because

complainant offers no other evidence to support his bias claim, this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the judge improperly engaged in ex parte communications with defendants. Because complainant presents no evidence to support these allegations, they must be dismissed. See 28 U.S.C.

§ 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.